

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SOLOMON LEE WARREN GRAVES, )  
                                  )  
                                  )  
Petitioner,                )  
                                  )  
                                  )  
v.                            )                   1:15CV12  
                                  )  
                                  )  
THOMAS E. ASBELL, II,     )  
                                  )  
                                  )  
Respondent.                )

**ORDER**

On July 20, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 11 and 12.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that Respondent's Motion for Summary Judgment (Doc. 5) is **GRANTED** to the extent it contends that Petitioner's claims are not exhausted, that Respondent's Motion for Summary Judgment is **DENIED WITHOUT PREJUDICE** as to the merits of Petitioner's claims, and that this action is **STAYED** in order to allow Petitioner to return to the state courts to exhaust his claims.

**IT IS FURTHER ORDERED** that upon Petitioner's exhaustion of his state court remedies or the expiration of six months following the date of this Order, Respondent shall file a status report concerning Petitioner's attempts at exhaustion after which the court will enter an appropriate order.

This the 18th day of August, 2015.

*William L. Osten, Jr.*

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United States District Judge